

MAR 05 2019

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## SENATE CONCURRENT RESOLUTION

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AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAALAWAI,  
HONOLULU, OAHU, FOR THE EXISTING SEAWALL AND FOR USE,  
REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS  
CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing seawall fronting the  
2 property identified as Tax Map Key: (1) 3-1-040: Seaward of  
3 001, Kaalawai, Honolulu, Oahu, were placed on state submerged  
4 lands; and

5  
6 WHEREAS, in early 2018, the Department of Land and Natural  
7 Resources' Office of Conservation and Coastal Lands worked with  
8 the property owners, Wendy Brandt Johnson and William Paul  
9 Johnson, co-trustees, and Gary K. Johnson, trustee, to resolve  
10 the encroachment; and

11  
12 WHEREAS, the Department of Land and Natural Resources'  
13 Office of Conservation and Coastal Lands indicated they had no  
14 objection to a long-term easement to resolve the encroachment;  
15 and

16  
17 WHEREAS, on November 9, 2018, under agenda item D-12, the  
18 Board approved a grant of a fifty-five-year non-exclusive  
19 easement to resolve the seawall encroachment, and such easement  
20 shall run with the land and shall inure to the benefit of the  
21 abutting real property; and

22  
23 WHEREAS, the subject area is about eighty square feet,  
24 which will be reviewed and approved by the Department of  
25 Accounting and General Services' Survey Division; and

26  
27 WHEREAS, the grantee shall pay the State the fair market  
28 value of the easement as consideration for the use of public  
29 lands to be determined by an independent appraisal; and  
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## S.C.R. NO. 41

1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
2 the prior approval of the Governor and prior authorization of  
3 the Legislature by concurrent resolution to lease state  
4 submerged lands; now, therefore,  
5

6 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
7 of the State of Hawaii, Regular Session of 2019, the House of  
8 Representatives concurring, that the Board of Land and Natural  
9 Resources is hereby authorized to issue a term, non-exclusive  
10 easement covering a portion of state submerged lands fronting  
11 the property identified as Tax Map Key: (1) 3-1-040: Seaward of  
12 001, Kaalawai, Honolulu, Oahu, for the maintenance and repair of  
13 the existing seawall, and for use, repair, and maintenance of  
14 the existing improvements constructed thereon pursuant to  
15 section 171-53, Hawaii Revised Statutes; and  
16

17 BE IT FURTHER RESOLVED that a certified copy of this  
18 Concurrent Resolution be transmitted to the Chairperson of the  
19 Board of Land and Natural Resources.  
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21  
22

OFFERED BY:

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